

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Inventors:** Clark M. WHITEMEAD et al.  
**Serial No.:** 09/938,009  
**Attorney Docket No.:** P-188  
**Filed:** August 23, 2001  
**Group Art No.:** 1617  
**Examiner:** Mojdeh Bahar  
**Title:** METHOD FOR TREATMENT OF  
LUPUS ERYTHEMATOSUS

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: **Mail Stop AF**, Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, on the date appearing below.

OSI Pharmaceuticals, Inc.

By Shu M. Lee  
Shu M. Lee

Date 05 Jan 2004

**Mail Stop AF**  
Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

### REVOCATION OF POWER OF ATTORNEY

OSI Pharmaceuticals, Inc. is the assignee of 100% interest, as evidenced by the enclosed copy of the Recordation submitted to the US Patent and Trademark Office on September 11, 2003 of the Certificate of Merger of Cell Pathways, Inc. – which was the holder of 100% interest in an assignment from the inventors recorded at Reel 012125, Frame 0442 on August 23, 2001 – into OSI Pharmaceuticals, Inc. As the assignee of 100% interest, OSI hereby revokes all previous powers of attorney given in the above-identified application and hereby appoints the patent practitioners in the Legal Department of OSI Pharmaceuticals, Inc. registered to practice before the U.S. Patent and Trademark Office. They are presently Shu M. Lee, registration No. 41,147, Kimberly Nguyen, registration No. 47,821, and Alexander Stewart, registration No. 47,110.

Commissioner is authorized to charge any deficiencies and credit any

overpayment to OSI Pharmaceuticals, Inc. Deposit Account No. **502783**.

Very truly yours,



Gabriel Leung  
Executive Vice-President  
President, Oncology Business

December 11, 2003

Attorney for Applicants can be reached at the telephone number and address below.

Very truly yours,

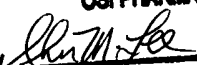


Shu M. Lee  
Attorney for Applicants  
Registration No. 41,147  
Telephone No. (631) 962-2056  
or (516) 924-4035  
Fax No. (631) 752-3880

December 11, 2003  
OSI Pharmaceuticals, Inc.  
58 South Service Road, Suite 110  
Melville, NY 11747

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OSI PHARMACEUTICALS, Inc.

By  Date 05 Jan 2004



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors:  
various

Serial No.:  
various, see attached schedule

Attorney Docket No.:  
various

Filed:  
various

Group Art No.:  
various

Examiner:  
various

Title:  
various

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents & Trademarks, Box Assignments, Washington, D.C. 20231, on the date appearing below.

OSI Pharmaceuticals, Inc.

By Shu M. Lee  
Shu M. Lee

Date 11 Sept. 2003

**RECEIVED**

**JAN 09 2004**

**TECH CENTER 1600/2900**

Commissioner of Patents & Trademarks  
Box ASSIGNMENTS  
Washington, D.C. 20231

**Recordation of Merger of Cell Pathways, Inc. into OSI Pharmaceuticals, Inc.**

Applicants respectfully submit the following:

- 1) Recordation Form Cover Sheet, including 1 continuation page
- 2) copy of a Certificate of Ownership and Merger (3 pages)
- 3) check for \$2,240.00, check number 022300
- 4) return receipt postcard
- 5) cover letter (2 pages)

Commissioner is authorized to charge any deficiencies and credit any overpayment to

OSI Pharmaceuticals, Inc. Deposit Account No. 502783.

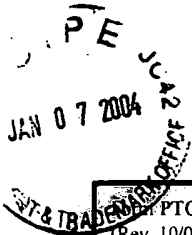
Attorney for Applicants can be reached at the telephone number and address below.

Very truly yours,

 11 Sept. 2003

Shu M. Lee  
Attorney for Applicant  
Registration No. 41,147  
Telephone No. (631) 962-2056  
or (516) 924-4035  
Fax No. (631) 752-3880

OSI Pharmaceuticals, Inc.  
58 South Service Road, Suite 110  
Melville, NY 11747



PTO-1595  
(Rev. 10/02)

RECORDATION FORM COVER SHEET  
PATENTS ONLY

U.S. DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office

OMB No. 0651-0027 (exp. 6/30/2005)

Tab settings ⇌ ⇌ ⇌ ▼ ▼ ▼ ▼ ▼ ▼ ▼

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Cell Pathways, Inc.

2. Name and address of receiving party(ies)

Name: OSI Pharmaceuticals, Inc.

Internal Address: \_\_\_\_\_

Patent Department

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

☐ Assignment

☒ Merger

☐ Security Agreement

☐ Change of Name

☐ Other \_\_\_\_\_

Street Address: 58 South Service Road

Suite 110

City: Melville State: NY Zip: 11747

Execution Date: 07/14/2003

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s) Please see attached list

B. Patent No.(s) \_\_\_\_\_

Additional numbers attached? ☒ Yes ☐ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Shu M. Lee, Ph.D.

Internal Address: Patent Department

OSI Pharmaceuticals, Inc.

Street Address: 58 South Service Road

Suite 110

City: Melville State: NY Zip: 11747

6. Total number of applications and patents involved: 56

7. Total fee (37 CFR 3.41).....\$ 2,240.00

☒ Enclosed

☐ Authorized to be charged to deposit account

8. Deposit account number:

9. Signature.

Shu M. Lee, Ph.D.

Name of Person Signing

  
Signature

11 Sept. 2003  
Date

Total number of pages including cover sheet, attachments, and documents: 7

Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patents & Trademarks, Box Assignments  
Washington, D.C. 20231

CONTINUATION OF ITEM 4

09/169,678	09/739,440	10/117,255
09/184,394	09/739,559	10/125,823
09/190,343	09/789,848	10/136,140
09/199,864	09/845,501	10/152,111
09/200,025	09/902,948	10/157,526
09/422,894	09/938,009	10/158,455
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09/716,989	10/040,769	10/278,683
09/723,613	10/040,776	10/377,213
09/734,633	10/071,639	



State of Delaware  
Secretary of State  
Division of Corporations  
Delivered 06:25 PM 07/14/2003  
FILED 06:25 PM 07/14/2003  
SRV 030460953 - 2004924 FILE

## CERTIFICATE OF OWNERSHIP AND MERGER

### MERGING

Cell Pathways, Inc.

WITH AND INTO

OSI Pharmaceuticals, Inc.

*(Pursuant to Section 253 of the General Corporation Law of Delaware)*

OSI Pharmaceuticals, Inc., a Delaware corporation (the "Corporation"), does hereby certify:

FIRST: The Corporation is incorporated pursuant to the General Corporation Law of the State of Delaware.

SECOND: The Corporation owns all of the outstanding shares of each class of the capital stock of Cell Pathways, Inc., a Delaware corporation (the "Merging Party").

THIRD: The Corporation, by the written consent of its Board of Directors, dated June 25, 2003, determined to merge the Merging Party with and into itself, with the Corporation surviving the merger, on the conditions set forth in such resolutions:

#### Merger with Cell Pathways, Inc.

RESOLVED, that the Corporation merge with Cell Pathways, Inc., a Delaware corporation and a wholly-owned subsidiary of the Corporation ("Cell Pathways"), by having Cell Pathways merge with and into the Corporation and the Corporation shall be the surviving corporation, and that upon effectiveness of the merger, the issued and outstanding shares of the common stock of Cell Pathways shall be cancelled and no longer be issued and outstanding, and each of the issued and outstanding shares of the common stock of the Corporation shall continue to be issued and outstanding stock of the Corporation.

RESOLVED, that in order to effectuate the merger, the officers of the Corporation are, and each of them is, hereby authorized, empowered and directed to execute, deliver and file in the name and on behalf of the Corporation, a Certificate of Ownership and Merger with the Secretary of the State of Delaware.

FOURTH: The effective date of the merger herein certified, insofar as the provisions of the Delaware General Corporation Law govern such effective date, shall be the date upon which this Certificate of Ownership and Merger is filed by the Secretary of State of the State of Delaware.

\*\*\*\*\*

IN WITNESS WHEREOF, the Corporation has caused this Certificate of Ownership and Merger to be signed by its authorized officer, this 14th day of July 2003:

OSI PHARMACEUTICALS, INC.

By: *Colin Goddard*

Name: Colin Goddard, Ph.D.

Title: Chief Executive Officer



# Delaware

PAGE 1

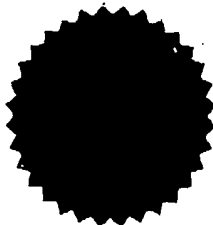
*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF OWNERSHIP, WHICH MERGES:

"CELL PATHWAYS, INC.", A DELAWARE CORPORATION,

WITH AND INTO "OSI PHARMACEUTICALS, INC." UNDER THE NAME OF "OSI PHARMACEUTICALS, INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE FOURTEENTH DAY OF JULY, A.D. 2003, AT 6:25 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State

2004924 8100M

AUTHENTICATION: 2528803

030460953

DATE: 07-15-03



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OSI Pharmaceuticals, Inc.  
Patent Department, Suite 110  
58 South Service Road  
Melville, New York 11747

USPS 2002 recycled



The U.S. Patent and Trademark acknowledges receipt of the following by First Class Mail:

- 1). Recordation Form Cover Sheet, including 1 continuation page
- 2). Copy of Certificate of Ownership and Merger (3 pgs.)
- 3). Check for \$2,240.00, check # 022300
- 4). Return receipt postcard
- 5). Cover Letter, (2 pgs.)

DATE 11-SEP-03

VENDOR NAME U.S.P.T.O.

VENDOR NO: 3682

5051Q EVERGREEN DATA SYSTEMS INC  
PLEASE DETACH AND RETAIN THIS STATEMENT AS YOUR RECORD OF PAYMENT.

*Thank You*

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2,240.00



# OSI Pharmaceuticals

58 SOUTH SERVICE ROAD, SUITE 110  
MELVILLE, NY 11747

J.P. MORGAN CHASE  
WILMINGTON, DE 19801  
62-26-311 8891-09

No. 022300

CHECK DATE	CHECK NUMBER	CHECK AMOUNT
11-SEP-03	22300	*****2,240.00

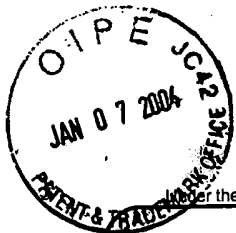
PAY Two Thousand Two Hundred Forty Dollars And 00 Cents\*\*\*\*\*

TWO SIGNATURES REQUIRED IF AMOUNT IS OVER \$5,000.00

TO THE  
ORDER OF

U.S.P.T.O.  
P.O. BOX 1450  
COMMISSIONER OF PATENTS  
ALEXANDRIA, VA 22313-1450

022300 10311002671 6301488916 509



**POWER OF ATTORNEY  
and  
CORRESPONDENCE ADDRESS  
INDICATION FORM**

Application Number	09/938,009
Filing Date	August 23, 2001
First Named Inventor	Clark M. Whitehead
Title	Method For Treatment of Lupus
Art Unit	1617
Examiner Name	M. Bahar
Attorney Docket Number	P-188

I hereby appoint:

☐ Practitioners associated with the Customer Number:

OR

☒ Practitioner(s) named below:

Name	Registration Number
Shu M. Lee	41,147
Alexander Stewart	47,110
Kimberly Nguyen	47,821

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☐ The address associated with the above-mentioned Customer Number:

OR

☐ The address associated with Customer Number:

OR

☒ Firm or Individual Name OSI Pharmaceuticals, Inc.

Address 58 South Service Road, Suite 110

Address

City Melville

State NY

Zip 11747

Country

Telephone 631-962-2000

Fax 631 752-3880

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

**SIGNATURE of Applicant or Assignee of Record**

Name Gabriel Leung, Executive Vice-President

Signature

Date December 11, 2003

Telephone (631)962-2056

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ \*Total of 1 forms are submitted.

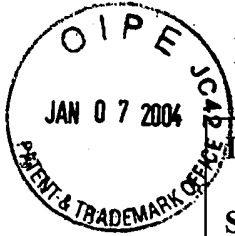
This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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OSI PHARMACEUTICALS Inc.

By Shu M. Lee Date 05 Jan 2004



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OSI Pharmaceuticals, Inc.

By Shu M. Lee  
Shu M. Lee

Date 05 Jan 2004

**Mail Stop AF**  
Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

### REVOCATION OF SMALL-ENTITY STATUS

Applicants respectfully revokes the small-entity status for the above-identified application. Commissioner is authorized to charge any deficiencies and credit any overpayment to OSI Pharmaceuticals, Inc. Deposit Account No. **502783**.

Very truly yours,

Shu M. Lee  
Shu M. Lee

Attorney for Applicant  
Registration No. 41,147  
Telephone No. (631) 962-2056  
or (516) 924-4035  
Fax No. (631) 752-3880

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Melville, NY 11747